

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

HECTOR MENDEZ-LUGO, et al.

Plaintiffs

v.

**Civil No. 04-1866(SEC)**

MIGUEL MARTINEZ-VELEZ, et al.

Defendants

**ORDER**

<b>MOTION</b>	<b>RULING</b>
<p><b>Docket # 44</b>  <b>Motion to Set Aside</b>  <b>Judgment</b></p>	<p><b>DENIED.</b> On July 26, 2005, after two (2) unopposed motions to dismiss, the Court entered Judgment dismissing Plaintiffs' claims with prejudice for failure to prosecute (Docket # 43). From this, Plaintiffs' seek reconsideration (Docket # 44) and Defendants have opposed (Docket # 45). We <b>DENY</b>.</p> <p>The Court will not repeat its reasons for dismissal as the record speaks for itself and its July 26 Judgment already carefully recounts Plaintiffs' continued disregard of the Court's orders and their apparent disinterest in the effective resolution of their claims. Furthermore, the Court made it abundantly clear that Plaintiffs' attorney had ten (10) days after its new legal representation's appearance to file their opposition to Defendants' motion to dismiss for lack of prosecution. <u>See</u> Docket # 33. Plaintiffs' attorney filed her notice of appearance on July 1, 2005 (Docket # 36) and still, on July 22, 2005, when Defendants filed their third motion to dismiss (Docket # 41), Plaintiffs had failed to oppose the second motion. "It is well settled law that a party flouts a court order at his peril." <u>Torres-Vargas v. Pereira</u>, 431 F.3d 389, 391 (1<sup>st</sup> Cir. 2005) (citation omitted). We are not moved by Plaintiffs' eleventh-hour excuse for not opposing Defendants' motion to dismiss for lack of prosecution. Accordingly, Plaintiffs' motion is <b>DENIED</b>.</p>

DATE: March 2, 2006

S/ *Salvador E. Casellas*  
SALVADOR E. CASELLAS  
U.S. Senior District Judge